



**MEMORANDUM**  
**BOARD OF COUNTY COMMISSIONERS**  
**OFFICE OF LEGISLATIVE ANALYSIS**

---

**TO:** Honorable Commissioner Rebeca Sosa  
District 6

**DATE:** June 22, 2004

**FROM:** Amy Gonzalez-Hernandez, Esq.  
Chief Legislative Analyst

**SUBJECT:** Information request

---

Attached is additional information on past Charter Review Committees and their reports presented to the Board of County Commissioners.

Should you have any questions, please contact me.

BOARD OF COUNTY COMMISSIONERS  
MEETING OF JANUARY 16, 1990

AGENDA ITEM

ACTION

SPECIAL ITEMS SET FOR 9:00 A.M.

- |    |   |                |
|----|---|----------------|
| A. | Presentation of Proclamation to Ms. Betty Bodowick.<br>(Mayor Clark)                                  | Presented.     |
| B. | Presentation of a Resolution of Sympathy to the family of<br>the late Mr. Milton Smith. (Mayor Clark) | Presented.     |
| C. | Presentation of Employee Service Awards to:   |                |
|    | Constance Locke MDPD 30 years   | Presented.     |
|    | Robert Lamont MDPD 30 years   | Presented.     |
|    | David Simonovitz Solid Waste 30 years   | Presented.     |
|    | Ralph Williams Solid Waste 35 years   | Not presented. |
|    | Louie Clayton GSA 30 years  | Presented.     |
|    | F. Russell CRB 30 years   | Presented.     |
|    | Sidney Shulman Courts 30 years  | Not presented. |
|    | Linda Diebel Courts 30 years  | Presented.     |
|    | Henry Clarke, Jr. HUD 40 years  | Presented.     |
|    | John Jackson, Jr. Human Resources 35 years  | Presented.     |

\* \* \* \* \*

1. REPORTS OF OFFICIAL COUNTY BOARDS

- |     |  |                            |
|-----|--|----------------------------|
| (a) | M.R. Stierheim, re Final Charter Review Report | Presented.<br>See Reports. |
|-----|--|----------------------------|

Ralph Williams  
Sidney Shulman  
John Jackson, Jr.  
Louie F. Clayton

Not Presented  
Not Presented  
Human Resources 35 years  
GSA 30 years

The meeting was opened with an Invocation by Mayor Clark, followed by the Pledge of Allegiance.

1. REPORTS OF OFFICIAL COUNTY BOARDS

1(a) Mr. Merritt R. Stierhelm, Chairperson, Charter Review Board (CRB), appeared before the Board and presented the report of the CRB. He commended the members of the CRB for their efforts during the numerous meetings that were held. Mr. Stierhelm expressed his appreciation to Assistant County Manager Gary Dellapa and Administrative Assistant Martha Lide from the County Manager's Office and First Assistant County Attorney Murray Greenberg for their assistance in connection with the CRB proceedings.

Mr. Stierhelm summarized the issues addressed during the CRB meetings and the recommendations submitted, and he recommended the Board place the proposed charter changes on the fall ballot.

Ms. Aileen Lotz, Vice-chairperson, CRB, appeared before the Board and summarized her minority report. She spoke in opposition to the CRB's recommended charter changes, noting she wanted to retain the right to vote for all members of the Board of County Commissioners.

Mr. Gregory Borgognoni, Vice-chairperson, CRB, appeared before the Board and expressed his appreciation for the opportunity to serve on the CRB.

Commissioner Winn stated it would be appropriate to refer this item to the Committee of the Whole, rather than to the Internal Management Committee.

A discussion ensued among the members of the Board in connection with when the Board would place the proposed charter changes on the ballot.

Mayor Clark expressed his appreciation to the CRB members for their efforts in considering and recommending proposed charter changes.

Mayor Clark presented the following list of changes to the day's agenda:

Agenda Item No. 1 (a)

January 16, 1990

Honorable Mayor and Members  
Board of County Commissioners

Dear Mayor and County Commissioners:

The Dade County Charter Review Board completed its deliberations on proposed Charter amendments on January 5, 1990. The attached final report recommends a number of Charter amendments that would change the basic structure of the County Commission as well as enhance the responsibilities of the Mayor. Other proposed amendments would change the name of the County, modify initiative petition procedures, change requirements for election to office, terms of office and salaries of commissioners. In addition, there are a number of proposed amendments that are revisionary or technical in nature which were submitted by the staff and received the endorsement of our group.

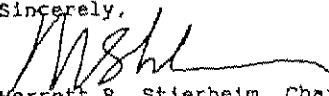
In November, I reported to you that our committee was a very diverse one with individual points of view that covered the full range of opinion on political theory and governmental structure. Out of that diversity, however, came thought provoking debate that through the normal parliamentary processes of give and take led to our final product. This report has received the unanimous approval of the Charter Review Board; but in the making of it, those members whose convictions on individual issues differ markedly from the consensus of the group have reserved the right to convey to the County Commission their views.

You will note that there are several issues on which we have not yet made a final recommendation. These items generally deal with the required votes on certain items and therefore, are dependent upon the size and composition of the County Commission. If you wish, once the size and composition of the Commission is established as a proposed Charter amendment, we can reconvene to propose specific vote requirements.

Honorable Mayor and Members  
Board of County Commissioners  
Page 2

It has been my privilege and pleasure to serve as the Chairman of the Dade County Charter Review Board and I am most appreciative of the hard work and dedication of the members. They are to be commended for their spirit of cooperation, conciliation, and public service. On behalf of the entire Dade County Charter Review Board, I wish to thank the staff of the County Attorney's Office and County Manager's Office for their efforts and faithful attendance to our needs.

Sincerely,

  
Merrett R. Stierheim, Chair  
Charter Review Board

cc: Charter Review Board Members



CHARTER REVIEW BOARD  
FINAL REPORT  
JANUARY, 1990

"PERMIT TO REM"

#### CHARTER REVIEW BOARD MEMBERS

Merrett R. Stierheim, Chair  
Gregory P. Borgognoni, Vice Chair  
Aileen Lotz, Vice Chair  
Dorothy Baker  
Danny Brown  
Tomas Garcia-Fuste  
Rod Jude  
Chris Korge  
William Losner  
Obdulio Piedra  
David Samson

## INTRODUCTION

The Dade County Charter Review Board was created in September, 1989, by the County Commission and was instructed to review previous Charter amendment proposals and to identify potential amendments and revisions to the Charter. The eleven members of the Charter Review Board (CRB) conducted numerous sessions to hear presentations by County Commissioners, County staff and members of the Charter Review Advisory Group. Resolutions from several individual municipalities (City of Coral Gables, City of Miami Springs, City of North Miami Beach and the Town of Surfside) were submitted, and the CRB heard a presentation from the Dade League of Cities.

After thorough discussion the CRB adopted a series of motions that delineate their recommendations regarding proposed revisions in virtually every section of the existing Charter. Important proposed amendments include the duties and powers of the Mayor, the size and composition of the County Commission, the processes for initiative petition referenda, terms of office and other requirements of candidacy, the name of the County, and general technical and other revisionary language proposals.

This report outlines the recommendations of the Charter Review Board in everyday language. Specific Charter language will be prepared by the County Attorney's Office upon direction of the Board of County Commissioners.

The recommendations in this report are categorized as follows:

1. Duties and Responsibilities of the Mayor
2. Composition of the Board of County Commissioners, Method of Election of Commissioners and Associated Matters
3. Salary of the Mayor and Members of the Board of County Commissioners
4. Initiative Referendum; Modifications to Election Requirements; Residency Requirements; and Terms of office
5. The Name of the County
6. Miscellaneous Charter changes and changes that represent a comprehensive clarification and updating of terminology and certain substantive procedural requirements.

Several proposals require a fractional vote of the Commission as part of override provisions (e.g., 3/5 vote, 2/3 vote). The existing Charter contains specific fractional vote requirements for such things as emergency ordinances or waivers of competitive bids. In each case, the CRB believed that a larger than simple majority vote of the Commission was needed, but the decision on what specific fractional vote should apply should be made once there is a final recommendation on the composition of the full Commission.



## RECOMMENDATIONS FOR CHANGES TO THE DADE COUNTY CHARTER

### I. DUTIES AND RESPONSIBILITIES OF THE MAYOR

#### The Mayor's Role as a Member of the Commission

The Mayor should be the chairperson, and a voting member of the County Commission.

The Mayor should have the power to organize the County Commission into committees and to appoint and remove the chairperson and members of the committees. The Mayor should also be eligible to serve on committees.

The Mayor should be empowered to exercise a general, legislative veto excluding zoning items within 10 days of enactment. The veto should be subject to an override by 3/5 of the voting members of the County Commission. The Mayor should not be eligible to vote on the override. The item may be vetoed regardless of how the Mayor voted on the item. The Commission should only be permitted to override a veto at the next scheduled regular meeting. A veto stays implementation of any action. (The fraction of the Commission required to override a veto should be reviewed once composition of the Commission is finalized).

#### Budget Preparation

The Manager should prepare and present the budget for Metropolitan Dade County in accordance with State law.

The Mayor should be allowed to veto any new line item in the budget, however, the Commission should be able to override the veto at the next scheduled meeting with a 3/5 override. The Mayor should not be eligible to vote on the override. (The fraction of the Commission required to override a veto should be reviewed once composition of the Commission is finalized).

The Mayor may direct the Manager to set aside in a separate category, particular programs or segments of programs in the budget to review as potential veto items. These programs must be identified before the budget is set for adoption.

Specific budget appropriations subject to a veto should be limited to: a) a budget change proposal identified in the departmental descriptions of the Proposed Budget, b) funding to a community based organization, c) a specific capital project, d) a program or segment of a program identified in the budget policy paper submitted by the Mayor, and e) allocations from the contingency fund. All other organizational and structural classification of funding in the County budget, as well as services mandated by State law, shall not be affected by such veto authority.

Any veto of a revenue item must have a corresponding expense reduction. The override provision may apply to either the revenue item or the expenditure, but may not result in an unbalanced budget.

Any veto of salary expenditures must apply to a class of employees or to a bargaining unit, not to individuals.

Existing programs for budget veto should be highlighted before June 1, and new programs should be highlighted between July 15, and the first budget hearing. A veto should be submitted by the Mayor within 10 days of final adoption of the County Budget by the County Commission.

Members of the CRB felt that many of the definitions and procedures concerning the budget veto outlined above were too detailed to be included in the Charter but should be adopted by ordinance. The detail is included here so that if the County Attorney is directed to prepare Charter language, the full intent can be included and the veto power is not diluted.

### **Nomination and Removal of the County Manager**

The Mayor should nominate the County Manager within 120 days of a vacancy in the position unless an extension is granted to the Mayor by the County Commission. The appointment of the County Manager should be confirmed by a majority vote of the Commission. In the event that the Mayor does not nominate a County Manager within 120 days, the County Commission, should be required to nominate and select the County Manager.

In the event that there is a vacancy or absence in the position of County Manager, the Mayor should designate an Acting County Manager from the senior executive service of the County. This appointment should not be subject to confirmation by the County Commission.

The Mayor should have the authority to remove the County Manager by notifying the County Manager and the County Commission in writing. Upon receipt by the County Manager and the County Commission of the Mayor's intent to remove the Manager, the Manager should be suspended, with pay, for up to forty-five (45) days. The County Commission should be permitted to override the Mayor's removal of the Manager by a 2/3 majority vote of the Commission excluding the vote of the Mayor. If the commission does not override the removal of the Manager in 45 days, the County Manager should be removed as of the 46th day. (The fraction of the Commission required to override removal should be reviewed once composition of the Commission is finalized).

A majority vote of the County Commission should also result in the removal of the County Manager. In the event that the County Commission votes to remove the County Manager, such removal should become effective on a date set by the County Commission. The Mayor should be eligible to vote on this removal, but should not have the power to veto the removal.

## **II. COMPOSITION OF THE BOARD OF COUNTY COMMISSIONERS; METHOD OF ELECTION AND ASSOCIATED MATTERS**

No single proposal on the composition of the Commission received unanimous approval. The proposals that won the most support (7 of 10 votes) were those which contained a majority of single member district commissioners and a minority of at-large commissioners. These proposals ranged from a total of 13 Board members, with 8 district commissioners, 4 at-large commissioners, and a mayor to 11 total board members with either 7 district commissioners, 3 at-large commissioners and a Mayor or 6 district commissioners, 4 at large commissioners and a Mayor.

All of the above proposals stipulated that for zoning items, only at-large commissioners, the district commissioner from the area where the zoning occurs, and the Mayor may vote. As a matter of principle, the CRB felt that only Commissioners elected by district residents should be eligible to vote on zoning items. It should be noted that if this provision on members of the commission that may vote on zoning items is included when a final decision as to the composition of the Board is made, consideration should be given to whether an even or an odd number of commissioners would be eligible to vote on zoning items.

Three of ten members favored the current Commission composition.

The boundaries of the districts should be adjusted not less than once every 10 years following the U.S. Census. The boundaries related to the proposed charter changes should be drawn according to the 1990 U.S. Census, prior to the 1992 state primary elections

### III. SALARY OF THE MAYOR AND COUNTY COMMISSIONERS

District Commissioners should receive a salary in the amount provided by state law for state legislators (\$21,650). At-large Commissioners should receive a salary which is 10% greater than District Commissioners (\$23,820).

The Mayor's salary should be 15% greater than District Commissioners (\$24,900).

It should be noted that four of the CRB members felt salaries for the Mayor and County Commissioners should equal those of non-Charter County Commissioners as provided by State law (\$51,600).

Salary changes should become effective once all members of the County Commission have been elected following the approval of the Charter changes.

### IV. INITIATIVE REFERENDUM; MODIFICATIONS TO ELECTION REQUIREMENTS; RESIDENCY REQUIREMENTS; TERM OF OFFICE

Initiative petitions for ordinances and Charter Amendments should be permitted to circulate for 120 days.

Initiative proposals should be voted upon at the next scheduled countywide election unless the initiative petition specifically calls for a special election.

The number of days required to call an election should be standardized throughout the Charter as 120 days.

Candidates for district seats should be required to reside in the district 1 year prior to qualification. Candidates for Mayor, district and at-large seats should be required to reside in Dade County 3 years prior to qualification.

The Mayor should be limited to two (2) consecutive full four (4) year terms. If the Mayor is appointed for a portion of a term, then that Mayor would still be eligible to be elected to two consecutive four year terms.

### V. NAME OF THE COUNTY

The name of the County should be changed to Metropolitan Miami-Dade County.

### VI. GENERAL UPDATING; MISCELLANEOUS CHARTER CHANGES

#### Clarification and General Updating

There should be a comprehensive clarification and updating of terminology and certain substantive and procedural requirements as recommended by the County Attorney's Office and the County Manager's Office including standardizing use of Commission references, making the Charter conform with State Law, and making the Charter gender neutral.

Specific references to County departments, boards, and offices should be deleted. All departments, boards, etc. would be created by ordinance.

#### Forfeiture of Office

The Charter Review Board was divided on the proposal to require County Commissioners to attend at least 70 percent of all required meetings unless there was a good cause for the absence. The motion to add an attendance requirement for County Commissioners in the Charter resulted in a 5 to 5 vote. ✓

Directors for confirmation by the County Commission within 6 months of their appointment.

10. The Commission should, by ordinance, create zoning appeals boards in the unincorporated area. Each zoning appeals board should have members who reside in the unincorporated area within the boundaries of a district and are nominated by commissioners elected from the respective districts and are appointed by the Mayor and the County Commission. The rules of procedure for the Zoning Appeals Boards should be established by ordinance.
11. The Commission should, by ordinance, set a date certain for the Mayor's State of the County speech and it should become a part of the official records of the County.
12. The County Commission should by ordinance, define the role of the Commission committees, the specific rules of procedures, the powers of the committee chairperson, and deadlines/time frames for items to be considered by committee, and/or returned to the full Commission for consideration.
13. An ordinance, outlining the specific procedures and definitions for the budget veto which have not been included in the Charter language, should be adopted. Included in the section entitled "Recommendations for Changes to the Dade County Charter", is a detailed description of the CRB's recommendations concerning budget veto.

January 18, 1990

TO: Mayor Clark and Members of the Board of County Commissioners

From: Aileen Lotz, member, Charter Review Board

RE: Charter Review Board Report, Minority Position

Summary

My purpose this morning is to express a minority position with regard to the report of the Charter Review Board that is before you. My statement is a brief one, but I have attached for your consideration supporting material.

First, let me express my appreciation to Mayor Clark for giving me the opportunity to serve on this Charter Review Board. The dedication and sincere attention its members gave to the task made our meetings both interesting and pleasurable. My colleagues on this panel know my position on the various issues in our report and understood that I would be appearing with a minority position. I voted in favor of the report you have received in order that the task given to us by the Board be appropriately completed and because I support a number of its recommendations.

I strongly support the recommendation to increase the ridiculously low salary of County Commissioners that was specified in the charter 33 years ago. I also support some increase in the responsibility of the mayor within the context of the manager form of government. In the last few years, this has been discussed in many communities by those who believe the manager form of government provides a responsive and administratively sound local government, but who recognize the desirability of a greater political leadership. You will undoubtedly find yourselves agreeing and disagreeing with these various proposals as I did during the Charter Board's review process, and I will not comment now on my areas of disagreement.

Rather, I would like to express my opposition to the heart of the report: changing the size and method of election of the County Commission. Lacking evidence of strong public support for a such a major change (the evidence suggests the contrary), and by personal philosophy, I am opposed to the recommendation to increase the size of the County Commission and to provide for a combination of district-elected and at-large county commissioners. We listened to several members of this County Commission present several different proposals. We debated these and other proposals. But even with the dedicated attention given to these proposals by my colleagues, we were unable to reach a majority vote on the make-up for a restructured county commission. Such lack of consensus, in my opinion, does not suggest an urgent need to make a change.

## **DADE COUNTY CHARTER REVISION: A Brief History**

### **Election of County Commissioners**

Over the years proposals to restructure the Dade County Commission have cropped up repeatedly. The composition of the commission was, understandably, a hotly debated issue at the original charter review board meetings in 1956. At that time, we had a five-member commission elected from districts but voted on county-wide with the top vote-getter in each district being elected. The 1967 charter changed the size and method of election to provide initially for an 11-member commission with five commissioners elected from districts in a county-wide vote, five from districts by district vote, and provision for municipal representatives based upon a population criteria. Under the charter the initial Commission had 11-members but rose to 13 after the 1960 Census.

Proposals to change the make-up of the commission have come along every few years:

1959: Voters had before them proposals to change the size to five, seven, and nine, none of which was approved.

1962: A wholesale charter change proposal, which would have provided for a five-member commission elected at-large, was defeated.

1963: Voters approved the present nine-member commission composed of eight commissioners elected from districts in a county-wide vote, and a mayor.

1972: Voters defeated 55-45 another wholesale charter change proposal that would have provided a strong mayor form of government and an 14-member county commission with 11 elected by district and 3 at-large.

1986: A citizens' charter committee recommended a 17-member commission composed of 11 district-elected commissioners and six county-wide.

1989: The most recent citizens' charter committee recommended a 13-member commission composed of 10 district commissioners, and three elected at-large including the Mayor.

In addition to issues reaching ballot stage, a number of studies over the years have recommended a variety of changes in our form of government including the method of electing County Commissioners. More recently, several members of the County Commission have advanced proposals for a Commission of different sizes with combinations of district and at-large elections. This most recent Charter Review Board grappled earnestly with the issue. Although a majority of this Board favored a combination of district and at-large commissioners, there was no agreement on size or make-up.

This lack of agreement, along with the history of charter change proposals, I believe reflects the lack of any consensus among the electorate. ]

Why then are we repeatedly faced with proposed changes? Aside from the issue of ethnic representation, that was dealt with in a federal court decision, discussion at recent charter revision meetings reflects that at other such meetings:

- Commissioners should be more responsive;
- District-elected commissioners would be more accountable;
- It's too costly to run county-wide;
- It should be easier to run for office;
- We need more stepping stones to higher office.

These are interesting discussion points but hardly are compelling reasons to change the most sacred part of any constitution in a democracy: the way we elect the persons who represent us.

#### Public Opinion Concerning Metro

Major changes in the structure of government occur because of widely perceived beliefs that government is not performing as a majority of the citizens would wish. It would seem likely, if citizen dissatisfaction was boiling over, that it would be reflected public opinion surveys and in presentations to the various charter study groups. In fact, neither has occurred.

An excerpt from a recent University report ("Hispanic Attitudes Toward Metropolitan Reform in Greater Miami" by Allen Bronson Brierly and David Moon) shows substantial support by all ethnic groups for various aspects of county government. A report excerpt included in background material given to our charter review board showed that combined ratings of adequate to very good broken down from Anglo, Hispanic and Black respondents indicated an astounding satisfaction with Metro performance, service quality, and "voice" in Metro, ranging from 74.1% to 95.1% depending upon the issue and the ethnic group.

#### --Metro performance:

Anglo	82%
Hispanic	92.4%
Black	83.3

#### --Metro service quality:

Anglo	85.6%
Hispanic	95.1%
Black	84.8%

#### --Voice in Metro

Anglo	72.6%
Hispanic	82.1%
Black	74.1%

These results appear to be part of a trend reflected in an early series of public opinion surveys summarized in a major report in 1976. One volume ("Citizen Support for Two-Tier Government: The Miami-Dade Experience, 1957-1973) of a comprehensive three-volume report funded by the Ford Foundation, consisted of a longitudinal analysis of surveys about Metro. The report summarized the findings as follows:

--The level of satisfaction with the new county government was very high (81%) when it first came into existence.

--In the years immediately following, Metro experienced a sharp decline in the number of citizens who evaluated its performance positively. In 1963, only one out of three persons interviewed thought that Metro had lived up to their expectations. [It should be noted that this was the year the voters approved a charter change providing for the present composition of the County Commission.]

--Our data indicate that in the period between 1963 and 1966, dissatisfaction with Metro bottomed out and the trend was reversed. By 1966, slightly more than 1/2 of the county's population was satisfied. The level of satisfaction has continued to rise and as of 1973, stood at the 64% level.

[Note: 55% of voters disapproved the 1972 Charter Commission (Frates) proposals to provide for a strong mayor form of government and increase the size of commission to 14 with 11 district commissioners and 3 at-large commissioners.]

This public reaction is reflected in the public response to various official and unofficial charter study groups during the past ten years. Charter revision groups have been poorly attended and failed to elicit proposals for change that excited the public.

--The 1981 Charter Review Commission heard 15 statements from community organizations, listened to 28 individuals make formal statements, and heard over 30 citizens in district hearings.

--In 1986 the citizens committee headed by William Sadowski heard from far fewer individuals and organizations in spite of hefty coverage by the Miami Herald.

--The 1986 citizens committee chaired by Gregory Borgognoni reported 22 individuals and organizations that testified before the group.

--The 1989 Charter Review Board meetings were televised but generated only a small handful of communications to us.

It would appear that public attention to major charter changes is declining rather than increasing.



---

**REPORT OF THE  
CITIZENS' CHARTER REVIEW ADVISORY GROUP  
ON THE DADE COUNTY CHARTER**

---

**GREGORY P. BORGOGNONI, Chair**

**Neal Alper • Alberto R. Cardenas • Dorothy Cissel •  
Betty Ferguson • Simon Ferro • Vera Gilford •  
Thomas W. McAliley, Jr. • John McDermott •  
Andres Mejides • Lloyd Miller • Manolo Reyes •  
David Samson • George Schulte, Sr. • John Shubin •  
Arthur E. Teele, Jr. • A.J. West •**

**MAY 15, 1989**

## TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
II. THE ADVISORY GROUP'S HEARINGS.....	3
III. RECOMMENDATIONS.....	5
a) Recommendations Regarding the Election of County Commissioners, and Associated Matters.....	5
b) Recommendations Regarding the Office of Mayor, and Associated Matters.....	10
c) Recommendations Regarding Amendments Suggested by the County Attorney or the County Manager.....	14
d) Recommendations Regarding Other Proposed Amendments.....	19

## I. INTRODUCTION

The Metropolitan Dade County Citizens' Charter Review Advisory Group (the "Advisory Group") was created in January 1989. The Advisory Group, according to the Resolution of the Board of County Commissioners that created it, was to consist of seventeen members, one to be appointed by each commissioner, with the remaining members to be appointed by the Chairman of the Internal Management Committee, Commissioner Larry Hawkins. As required by the Resolution, the Advisory Group reflected the various segments of Metropolitan Dade County, and included among its members representatives of every major ethnic group, representatives of several of the County's largest municipalities, and representatives of associations of homeowners who live in unincorporated Dade County. All the members of the Advisory Group shared a strong commitment to a more effective and more representative government; they brought to the task at hand a willingness to conduct a thorough review of the Charter of Metropolitan Dade County to determine whether any structural changes to Dade County government were necessary to better serve those ends.

Because so much has been written about the subjects discussed by the Advisory Group, and because most of what has been written is set forth in the bibliography to this Report and readily available, this Report will not engage in a review

of the history of the County Charter, nor will it attempt to function as a scholarly treatise on government structure. Instead, it is submitted as our Report of our proceedings, deliberations, and recommendations to the Internal Management Committee regarding the matters we were assigned to review.

## II. THE ADVISORY GROUP'S HEARINGS

The Advisory Group conducted eleven meetings to discuss the Charter, to review any proposed changes to the Charter, to hear presentations by various experts and, at two public hearings, to hear the opinions of citizens regarding certain proposed changes to the Charter. In addition to receiving the benefit of the comments of its seventeen members, all of whom are active in civic affairs, the Advisory Group heard testimony from twenty-two other witnesses, including five who could be characterized as experts in their field.

The committee staff also compiled a significant volume of written materials for distribution to members of the Advisory Group, for those members to peruse and incorporate into their decision-making process.

In keeping with the charge received by the Advisory Group from Commissioner Larry Hawkins, on behalf of the Internal Management Committee, the Advisory Group deliberations were structured to include the following:

- a) Consideration of changes in the method of election of County Commissioners and associated matters.
- b) Consideration of changes in the duties and responsibilities of the Mayor and associated matters.
- c) Consideration of certain changes recommended by the County Attorney and County Manager.

- d) Consideration of other changes, if any, that might be required to "modernize" the Dade County Charter.

Accordingly, the Advisory Group's Report will set forth its recommendations in the four areas described above. Before that is done, however, an explanation of the nature of those recommendations is necessary.

In keeping with the Advisory Group's assigned role, the changes recommended in this report are recommended with two conditions. First, the principle embodied in each recommendation (e.g., electing some commissioners from "single-member districts") are of greater importance than specific recommendations (e.g., the number of commissioners to be elected from districts and the number to be elected at large). Second, the recommendations of the Advisory Group, once they have been reviewed by the Internal Management Committee, should serve as a catalyst for a discussion of the issues embodied in these recommendations at various public forums throughout Dade County. It is hoped that through this method of reviewing the proposed changes to the Metropolitan Dade County Charter, the recommendations can best be tested and refined before proposals for Charter amendments are placed on the ballot.

### III. RECOMMENDATIONS FOR AMENDMENTS TO THE METROPOLITAN DADE COUNTY CHARTER

#### a) Recommendations Regarding The Election of County Commissioners and Associated Matters.

One of the principal possible amendments to the Dade County Charter considered by the Advisory Group was a proposal to elect some or all of the members of the Board of County Commissioners from districts. This possibility, more than any other proposed Charter change, gave rise not only to vigorous debate, but to a great deal of public interest and comment.

As the Committee is well aware, the current Charter provides for the election of County Commissioners by all the voters of Dade County ("at large"), although the Charter creates eight geographic commission districts, and requires that one commissioner be elected from (i.e., reside in) each of those districts.

As a result, the Advisory Group considered the three possible alternative methods for the election of commissioners:

- The current system of at-large voting with geographic residency districts.
- Electing all commissioners at large, with no requirement that they live in districts.
- Electing some or all commissioners from "single-member districts."

In this Report, the term "single-member districts" refers to a system of electing members of the Board by the majority vote of the residents of a limited geographic area, in which the member of the Board also must reside.

Surprisingly, there was very little sentiment for leaving things as they are, and none at all for electing commissioners at large without a requirement that they live in any particular district. Consequently, the Advisory Group's debate focused on the issue of whether the Board of County Commissioners should be elected from single-member districts only, or whether there should also be some members of the Board elected at large, with or without a geographic restriction on their residency.

The arguments advanced in favor of having at least some single-member districts were, in essence, the same arguments advanced in support of using single-member districts as the sole method of electing members of the Board. In the opinion of the supporters of elections from single-member districts, that method of election has the following salutary effects on government:

- a) Citizens feel that they have more direct impact on County government because the votes from their geographic area alone elect a member of the Board.
- b) Residents of a district feel that, regarding any neighborhood issues, ethnic issues, or land-use issues that affect their district, they will be represented by a member of the Board who shares their views.



- c) Members of the Board will be more "accountable" to the voters in the sense that a member of the Board will not be able to reside in, and allegedly represent, residents of a district in which he or she does not receive the majority of votes.

In regard to all of the beneficial effects mentioned above, the Advisory Group was particularly concerned with the importance of fair representation, and a fair chance of election, being granted to Black and other minority-group residents of Dade County. No Black has been elected to the Board without first having been appointed and later running as an incumbent. Consequently, in determining the number of single-member districts, and in determining their boundaries, the Advisory Group was of the strong opinion that the criteria for drawing single-member districts should reflect this desire for fair representation. It would be ironic indeed if, through gerrymandering, single-member districts were drawn to defeat the very purposes that motivated their creation.

A slight majority of the members of the Advisory Group were of the opinion, however, that a system of electing members of the Board only from single-member districts would have an unintended deleterious side-effect: the creation of "Chicago-style ward politics." Debate on whether to recommend that some members of the Board should be elected at large was very vigorous, as a significant minority felt that any deviation from the system of electing all members of the Board

from single-member districts was merely an attempt to slow changes that the minority felt were both beneficial to government in Dade County, and long overdue. Nonetheless, the majority of the Advisory Group thought that a system that combined single-member districts with a few members of the Board being elected at large would best accommodate the conflicting desires and political agendas of Dade County's many interest groups.

Finally, the Advisory Group grappled with the issue of how many commissioners should be elected from districts, and how many at large. While the majority of the group came to the conclusion that ten single-member districts, with two members of the Board elected at large, was the most effective compromise, the number of districts is not of crucial importance, so long as the effects sought to be achieved by the creation of single-member districts are preserved. The Advisory Group also believes that only a few members of the Board need to be elected at large to preserve the "county-wide perspective" that such members might bring to the Board's deliberations, particularly in view of the fact that there is an additional member of the Board, the Mayor, who is elected at large. In summary, the Advisory Group recommends the following

changes to the provisions of the Dade County Charter relating to the election of members of the Board of County Commissioners:

- That the number of members of the Board be increased from nine to thirteen (twelve commissioners and a mayor).
- That ten of the members of the Board be elected from single-member districts.
- That two members of the Board be elected at large, with no restrictions whatsoever on the residency of those two members, and that no individual serve more than two consecutive terms as a commissioner elected at large.
- That the provision of the Charter providing the members of the Board with a salary of \$6,000.00 per year, which has been unchanged since 1957, be eliminated, and that the members of the Board be paid whatever county commissioners in a non-charter county of similar population would be paid.

Suggested language enacting these Charter amendments is contained in the appendix to this Report.

**b) Recommendations Regarding the Office of  
Mayor and Associated Matters**

The second major area of interest which the Advisory Group was asked to consider was the responsibilities assigned to the Mayor. Through the years numerous proposals have been made to "strengthen" the office of Mayor by assigning to the Mayor additional duties and responsibilities beyond those few which the Mayor currently has under the Dade County Charter.

The Dade County Charter adopted the "council-manager" form of government, or in our case, the Board of County Commissioners-County Manager system, in which an appointed, professional County Manager functions as the administrative head of government, a Board of County Commissioners functions as a policy-setting legislative body, and the Mayor, except for chairing board meetings and reporting on the state of the County, has the same duties as any other member of the Board. Although at one time the "council-manager" system was clearly the trend, the number of governments using that system is no longer on the increase, and the "council-manager" system is most common in smaller communities. Indeed, Dade County is the most populous jurisdiction with the "council-manager" form of government.

Most of the country's older and larger governmental units, and about half of all local governments, adhere to some form of the "strong mayor" system, in which the Mayor serves as a chief executive, usually is not a voting member of the commission,

and is in charge of running the day-to-day administration of the government through various appointed subordinates.

Obviously, both systems have their supporters, and both points of view were strongly advocated by witnesses who appeared before the Advisory Group. The perceived benefits and detriments of each system can easily be summarized.

The council-manager system was adopted to get politics out of the day-to-day decision-making process of government. In the view of its proponents, this system installs professional managers to make decisions on day-to-day management matters that really should not be influenced by politics, such as road repair, police and fire service, and the like. Those who favor the council-manager system fear that a strong mayor could possibly be subject to political influence and, consequently, that citizens who have little or no political influence might not be adequately served by their government.

Proponents of the strong-mayor form of government stress the accountability of the decision maker that it provides. In the council-manager system, the person who must be approached regarding management of local government, and the person who should be held responsible for most failures in local government, is not accountable to the voters. Although theoretically the voters could influence the manager with their vote for members of the Board of County Commissioners, in practice there are too many other issues that influence that

vote for the manager to be directly affected. Additionally, the strong mayor form of government is viewed by some as more efficient, because Commission approval of actions is needed less frequently.

After an extended debate, the Advisory Group determined that any dramatic increase in the powers of the Mayor would be unwise. A majority of the members of the Advisory Group were of the opinion, however, that some increase in the duties and responsibilities of the Mayor would provide the accountability necessary for citizens to feel they can have an impact on the operations of the government, and would help prevent the development of factions on a Commission composed principally of single-member district commissioners, without raising much danger of the injection of political considerations into day-to-day management decisions. Accordingly, the Advisory Group has recommended the following Charter amendments:

- That the Mayor be charged with the duty of appointing the County Manager when there is a vacancy, such appointment to require ratification by a majority of the Board.
- That the Mayor be given the responsibility of presenting a budget to the Board, and the ability to veto specific items in the budget.
- That the Mayor's power to organize the Board into committees be recognized.

- That, in recognition of the increased duties and responsibilities, the Mayor be paid a salary ten percent greater than the salary paid to other members of the Board.
- That the Mayor continue to be a voting member of the Board, and to chair the Board's meetings.

Suggested language enacting these Charter amendments is contained in the appendix to this Report.

c) Recommendation Regarding Charter Amendments  
Suggested by the County Attorney and County  
Manager.

In number, if not in significance, a majority of the Charter amendments recommended by the Advisory Group were initiated by the County Manager or the County Attorney. The great bulk of those changes can be characterized as technical, such as making any references to gender neutral, deleting references to State agencies that no longer are in existence, and the like.

There were several changes suggested by either the County Attorney, or County Manager, or individual Advisory Group members that could not be characterized as merely technical, however, and it is important that they be discussed in this Report. Each bold-faced heading denotes a section of the Charter affected by a proposed amendment. The text of each proposed amendment is contained in the appendix to this Report.

**Citizens' Bill of Rights, Section (A)(8)**

The proposed change to this section, regarding public hearings, in addition to making a technical change in its reference to the Florida Rules of Appellate Procedure, provides that parties "or their representatives" are entitled to present a case at a public hearing. The purpose of this change is to permit certain associations who are not represented by counsel to appear through someone acting in a representative capacity on behalf of the association.



Citizens' Bill of Rights, Section (AX12)

The proposed change to this section recognizes that budget reporting information is constantly updated by computer and, as a matter of fact, is generally available to the public at any time. Nevertheless, the requirement of a public report at least every quarter is retained.

Citizens' Bill of Rights, Section (AX14)

The proposed change to this section would permit, instead of require, regional offices in order to create greater flexibility regarding decisions requiring the expenditure of funds.

Citizens' Bill of Rights, Section (AX16)

The proposed revision of this section requires representation of the interests of the county and its residents only when the Commission deems such representation to be necessary.

Article 1, Section 1.01 (AX11)

The proposed change in this section provides greater flexibility regarding the functions of special purpose districts and their funding.

Article 1, Section 1.01 (AX14)

The proposed change to this section eliminates the referendum requirement for franchises, although a 2/3 majority vote of the Board is still required.

Article 1, Section 1.02 (A)

The proposed revision to this section, in addition to some technical changes, provides that all actions taken by the Board, unless otherwise specified, require a majority vote of all members of the Board currently holding office.

Article 1, Section 1.05(A)

The change in this section requires a commissioner's attendance at seventy percent of Board meetings within a fiscal year, unless there is good cause for the absences.

Article 2, Section 2.01(A)

Prior to the conclusion of its deliberations, the Advisory Group voted to recommend that the elections for all commissioners -- should there be a change instituted creating some single-member districts -- shall take place at the time of the State primary election in 1992. The Advisory Group was of the strong opinion that, because each resident of a district would be voting for, at most, one district commissioner, two at-large commissioners and the mayor, there would be no need

for staggered terms for commissioners. To hold the election in 1990, however, might unjustifiably interfere with the expectation of current members of the Board, as well as the voters who elected them, that the commissioner would serve four years in his current position. If this change is enacted, by contrast, commissioners elected in 1990 would know before they ran that they were seeking a two-year term, and would be able to make whatever arrangements they felt were necessary to prepare themselves to run under the new system to be instituted in 1992. Another advantage of delaying the implementation of single-member districts until 1992 is that by then the results of the 1990 census should be available, and districts can be drawn based on the most current information.

#### Article 3, Section 3.04

This proposed amendment, passed by a 5-4 vote of the Advisory Group, would prohibit the County Manager from employing anyone at a salary greater than the Manager's salary.

#### Article 4, Sections 4.01, 4.02

The proposed change to this section gives the Manager broad authority to create rules and regulations regarding County administration. The Manager no longer will be required to establish departments of finance, personnel, planning, or law.

Importantly, the Manager will be permitted to create, merge, combine or abolish departments without Commission approval.

Article 4, Section 4.08 (A)-(C)

The revision of this section will permit the Board of County Commissioners to create any boards it deems necessary, and will remove the requirement that it create any specific boards.

Article 7, Section 7.01

This section has been the subject of extensive proposed revisions. In addition to the technical changes, substantive changes include the requirement that any ordinance proposed by initiative be within the subject-matter jurisdiction of the Commission; that the approval by the Commission of a proposal relate only to form and legal sufficiency; that voters who have been purged from the registration rolls do not count in determining whether the required voters' signatures have been obtained; that all petition forms must be submitted at one time to the Supervisor of Elections; that the time for adopting a proposal or requiring an election be extended from thirty days to forty-five days after a sufficient petition is presented; and that the effective date of a proposal passed by referendum be the date the canvassing board certifies the election.

d) Recommendations Regarding Other Proposed Amendments.

The Advisory Group heard numerous other suggestions for Charter amendments, ordinances, and the like, none of which are the subject of the Recommendations contained in this report and its appendices. That does not mean, however, that these suggested changes are either unimportant or unnecessary; in many cases they were rejected merely because it was the opinion of the Advisory Group that the Charter should remain a streamlined blueprint for government, serving as Metropolitan Dade County's analog to the United States Constitution. Many of the more specific suggestions received by the Advisory Group appropriately should be proposed, if at all, as additions to, or amendments of, the Metropolitan Dade County Code as a matter of principle, as a matter of logic, and for ease of future revision.

Among the many other proposed changes that were brought to the attention of the Advisory Group, but not included in its recommendations, were the following:

- Instituting partisan elections for Mayor and County Commission.
- Limiting the number of terms a Mayor or Commissioner may serve.
- Limiting campaign expenditures in campaigns for Mayor or County Commission.
- Limiting Commissioners' staff expense.

- Requiring Commissioners to have offices in their districts.
- Establishing procedures for public hearings regarding the presentation of evidence and limitation on rebuttal.
- Requiring that more definite times be specified for various items on the agenda for meetings of the Board so that interested citizens do not need to take off an entire day or even more to address issues of interest to them.
- Preventing Commissioners from leaving meetings and missing votes, yet returning to vote on other items at the same meeting.
- Establishing an independent Ombudsman to represent citizens in connection with any grievances they may have regarding County government.
- Establishing special service districts or new municipalities in the unincorporated areas.

Although none of these ideas are included in the Advisory Group's Recommendations to the Internal Management Committee, we do recommend that they receive further study by the Internal Management Committee for possible adoption as amendments or additions to the Metropolitan Dade County Code.

PROPOSALS

SECTION 1.03. DISTRICTS

- A. There shall be eight-County Commission districts. The initial boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.
- B. The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

SECTION 1.03 DISTRICTS.

- A. There shall be ten Commission districts. The initial boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof, which shall be determined according to (B) below.
- B. Before the State primary elections in 1992, and at least every ten years thereafter, the Commission shall by ordinance adopted by two-thirds vote of the members of the Commission fix the boundaries of the districts to insure to the maximum extent possible that each segment of the community is represented. The district boundaries also shall take into account the following other factors, listed in order of their priority:

1. Each district shall include one-tenth of the County's residents, determined by reference to the most recent report of the Governor pursuant to Florida Statute 186.901, with a five percent variation permitted if necessary to conform to requirements (1), (2) and (3); and
2. The boundaries shall not result in the placement of residents of a municipality into separate Commission districts unless necessary to equalize the population of each district; and
3. The boundaries should not result in the placement of residents of a neighborhood (meaning an area characterized by its unique character or land use) into separate Commission districts.

#### SECTION 1.04. COMPOSITION OF THE BOARD

The Board shall consist of nine members elected as follows:

1. From each of the eight districts there shall be elected by the qualified electors of the county-at-large a County Commissioner who shall be a qualified elector residing within the district at least six months and within the county at least three years before qualifying.
2. There shall be elected by the qualified electors of the county at large a Mayor who shall be a qualified elector residing within the county at least three years before qualifying. The Mayor shall also serve as a member of the Board and shall be subject to all restrictions provided in this Charter applying to all other commissioners.

Beginning with the state primary election in 1988, the Mayor and each Commissioner shall be elected for a term of four years.

#### SECTION 1.05. FORFEITURE OF OFFICE.

- A. Any member of the Board-of-County Commissioners who ceases to be a qualified voter of the county or removes

#### SECTION 1.04. COMPOSITION OF THE COMMISSION

The Commission shall consist of thirteen members, elected as follows:

1. From each of the ten districts there shall be elected by the qualified electors of the district a Commissioner who shall be a qualified elector residing within the district at least six months and within the County at least three years before qualifying.
2. There shall be elected by the qualified electors of the County at large two Commissioners who shall be qualified electors residing within the County at least three years before qualifying. No Commissioner elected at large shall serve more than two consecutive terms.
3. There shall be elected by the qualified electors of the County at large a Mayor who shall be a qualified elector residing within the County at least three years before qualifying. The Mayor shall also serve as a member of the Commission and shall be subject to all restrictions provided in this Charter applying to all other Commissioners.

Beginning with the state primary elections in 1988, the Mayor and each Commissioner shall be elected for a term of four years.

- A. Any member of the Commission who ceases to be a voter of the county or moves



himself from the county or the district from which he was elected; or who fails to attend meetings without good cause for a period of six months; shall immediately forfeit his office. Any Commissioner except the Mayor who ceases to reside in the district which he represents shall also immediately forfeit his office.

B. Any elected or appointed county official who holds any other elective office, whether federal, state or municipal, shall forfeit his county position, provided that the provisions of this subsection shall not apply to any officials presently holding such other office during the remainder of the present terms.

C. Any appointed official or employee of Dade County who qualifies as a candidate for election to any federal, state or municipal office shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

#### SECTION 1.06. SALARY

Each County Commissioner shall receive a salary of \$5,000 per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

from the county or from his or her commission district, or who fails to attend at least 70% of all required meetings within a fiscal year without good cause, shall immediately forfeit the office of Commissioner. Any Commissioner except the Mayor who ceases to reside in the district which he or she represents shall also immediately forfeit the office.

Should conform to State law.

Should conform to State law.

#### SECTION 1.06 SALARY

- A. Each Commissioner shall receive a salary in the amount provided for non-charter county commissioners by Florida law and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Commission.
- B. The Mayor shall receive a salary in an amount ten percent more than the salary paid to members of the Commission.

# SECTION 1.07. VACANCIES

Any vacancy in the office of Mayor or the other members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

## SECTION 1.08. ORGANIZATION OF THE BOARD

The Mayor shall be Chairman of the Board. The Board shall select a vice-chairman who shall serve at the pleasure of the Board and who shall be known as Vice Mayor. The Clerk of the Circuit Court or his deputy shall serve as clerk of the Board. No action of the Board shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

Any vacancy in the office of Mayor or Commissioner shall be filled by majority vote of the members of the Commission within 30 days, or the Commission shall call an election to be held not more than 90 days from the date the vacancy was created. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. Upon a majority of the members of the Commission becoming appointed rather than elected to office, then the Commission shall forthwith call an election to be held within 90 days to permit the registered electors to elect Commissioners. If a county-wide election is scheduled to be held within 180 days from the date on which a majority of the members of the Commission become appointive, the Commission may defer the required election until the scheduled county-wide election.

## SECTION 1.08. ORGANIZATION OF THE COMMISSION

The Mayor shall be Chairperson of the Commission. The Commission shall select a vice chairperson who shall serve at the pleasure of the Commission and who shall be known as Vice Mayor. The Clerk of the Circuit Court or a deputy shall serve as Clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present in compliance with its rules or such other vote as may be required by Charter or ordinance or state law. All meetings shall be public.

## PROPOSALS

### SECTION 1.09. MAYOR TO REPORT TO CITIZENRY.

The Mayor shall prepare and deliver a report on the state of the County to the people of the County between November 1 and January 31 annually. Such report shall be prepared after consultation with the County Commissioners and the County Manager.

The Mayor shall prepare and deliver a report at a scheduled Commission meeting on the state of the County to the people of the County between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners and the Manager.

### (New)SECTION 1.10. POWERS OF THE MAYOR

A. The Mayor shall have the following powers:

1. To appoint the Manager. The appointment of the Manager must be approved by the Commission and if it is disapproved the appointment shall be void, and the Mayor shall make a new appointment, which shall likewise be submitted for approval by the Commission. The right to suspend, remove or discharge the Manager, with or without cause, is reserved at all times to the Commission.
2. To propose a budget, and to veto within ten (10) days of final adoption of the budget, any particular item in the budget approved by the Commission; however, the Commission may, at the next regularly scheduled Commission meeting after the veto occurs, override that veto by a vote of three-fourths of the members of the Commission currently holding office, which vote must include at least one member of the Commission elected at large.
3. To execute contracts, sign bonds, accept process, and carry out Commission policy.
4. To organize the Commission into committees.

ARTICLE-2

ELECTIONS

SECTION 2.01. ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

A. Unless otherwise provided in the Charter, beginning in 1976, the election of the Mayor and the County Commissioners from four County Commission districts to be selected by voluntary arrangement or by lot prior to June 1, 1976 shall be held at the time of the state primary elections in 1976 and every four years thereafter at the same time. The County Commissioners from the other four County Commission districts shall also be elected in 1976 in the same manner, but only for two year terms; the election of County Commissioners from these four County Commission districts will be held again in 1978 and every four years thereafter at the time of the state primary elections.

B. A candidate must receive a majority of the votes cast to be elected. If no candidate receives a majority of the votes cast there will be a runoff election at the time of the state second primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, the terms of office of the Mayor and the other County Commissioners shall commence on the second-Tuesday next succeeding the date provided for the state second primary election.

SECTION 2.02. ELECTION OF COUNTY COMMISSIONERS FROM MUNICIPALITIES.

Repealed at special election November 5, 1963.

SECTION 2.01. ELECTION AND COMMENCEMENT OF TERMS OF COMMISSIONERS.

A. ~~(Delete in its entirety)~~

~~(New) A. Elections for all Commissioners shall take place at the time of the State primary election in 1992 and every four years thereafter. Commissioners elected in 1990 shall serve for two years.~~

C. Except as otherwise provided in this Charter, the terms of office of the Mayor and the other Commissioners shall commence at the Commission meeting next succeeding the date provided for the state second primary election.

SECTION 2.02. ~~(Delete in its entirety)~~

SECTION 2.03. NONPARTISAN ELECTIONS.

All elections for Mayor and the other members of the Commission Board shall be nonpartisan and no ballot show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he the candidate he is a member or the manner in which he the candidate he voted or will vote in any election.

SECTION 2.04. QUALIFICATIONS AND FILING FEE.

All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk-of-the-Supreme Court no earlier than the 60th day and no later than noon on the 48th day prior to the date of the election at which he or she is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

All candidates for the office of Mayor or Commissioner shall qualify with the Supervisor of Elections during the state qualification period for county offices prior to the election at which he or she is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

SECTION 2.05. (Delete in its entirety)

SECTION 2.05. INVALIDITY.

Repealed at special election November 5, 1963.

SECTION 2.06. ADDITIONAL REGULATIONS AND STATE LAWS.

- A. The Commission Board may adopt by ordinance any additional regulations governing elections not inconsistent with this Charter.
- B. Except as otherwise provided by this Charter or by ordinance adopted hereunder the provisions of the election laws of this state shall apply to elections held under this Charter.

SECTION 2.07. CANVASSING ELECTIONS.

All elections under this Charter shall be canvassed by the County Canvassing Board as provided under the election laws of this state.

ARTICLE-3

THE COUNTY MANAGER

SECTION 3.01. APPOINTMENT AND REMOVAL.

The Board-of-County Commissioners shall appoint a County Manager who shall be the chief executive officer and head of the administrative branch of the county government. The Commission Board shall fix the Manager's compensation, and the Manager he shall serve at the will of the Commission Board.

Eliminate gender reference.

SECTION 3.02. QUALIFICATIONS.

The Manager shall be chosen by the Commission Board on the basis of his executive and administrative qualifications. At the time of his appointment he the Manager need not be a resident of the state. No County Commissioner shall be eligible for the position of Manager during or within two years after the expiration of his the Commissioner's latest term as Commissioner.

Eliminate gender reference.

SECTION 3.03. ABSENCE OF MANAGER.

The Board Commission may designate a qualified administrative officer of the county to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager.

SECTION 3.04. POWERS AND DUTIES.

A. The Manager shall be responsible to the Board of County Commissioners for the administration of all units of the county government under his jurisdiction, and for carrying out policies adopted by the Board. The Manager, or such other persons as may be designated by resolution of the Board, shall execute contracts and other instruments, sign bonds and other evidences of indebtedness, and accept proceeds.

B. Unless otherwise provided for by civil service rules and regulations, the Manager shall have the power to appoint and suspend all administrative department heads of the major departments of the county, to-wit: Tax Collector, Tax Assessor, Department of Public Works, Department of Public Safety, Building and Zoning Department, Planning Department, Finance Department, Park and Recreation Department and Internal Auditing Department, except that before any appointment shall become effective, the said appointment must be approved by the County Commission and if the same is disapproved the said appointment shall be void. In the event such appointment shall be disapproved by the County Commission the appointment shall forthwith become null and void and thereupon the County Manager shall make a new appointment or appointments, each of which shall likewise be submitted for approval by the County Commission. However, the right to suspend, remove or discharge any department head with or without cause, is reserved at all times to the County Manager.

A. The Manager shall be responsible to the Commission for the administration of all units of the county government under the Manager's jurisdiction, and for carrying out and enforcing all policies and directives of the Commission. The Manager may appoint and remove such assistants as may be necessary in order that the Manager's duties may be performed properly.

B. The Manager shall have the power to appoint, suspend, remove or discharge with or without cause all department directors, except that before any such appointment shall become effective, it must be confirmed by the Commission and if the same is disapproved the said appointment shall be void. In the event such appointment shall be disapproved by the Commission the appointment shall forthwith become null and void and thereupon the Manager shall make a new appointment or appointments, each of which shall likewise be submitted for approval by the Commission.

C. The Manager shall not employ any person at a salary greater than that of the Manager.

## INDEX TO APPENDIX

- Exhibit 1 Proposed Amendments to the Metropolitan Dade County Charter
- Exhibit 2 Bibliography of Source Materials
- Exhibit 3 Witnesses Who Testified Before the Advisory Group
- Exhibit 4 Members of the Advisory Group



## BIBLIOGRAPHY

1. Bartel, Excerpts from Influences on Mayoral Leadership in a Council-Manager Government: The Case of Miami, Florida (March 1988)
2. Charter Review Committee, SUGGESTED REVISION TO HOME RULE CHARTER (1974)
3. Citizens Charter Review Committee on the Dade County Charter, FINAL RECOMMENDATIONS (April 1, 1986)
4. Dade County Charter Review Commission, INTERIM REPORT (January 1, 1982)
5. Dade County Metropolitan Study Commission, FINAL REPORT AND RECOMMENDATIONS (June 1971)
6. Engstrom & McDonald, The Election of Blacks to City Councils: Clarifying the Impact of Electoral Arrangements on the Seats/Population Relationship, 75 AM. POLIT. SCIENCE R. 344 (1981)
7. Haselswerdt, Votor and Candidate Reaction to District and At-Large Elections Buffalo, New York, URBAN AFFAIRS Q. 31 (Sept. 1984)
8. Hertz, GOVERNING DADE COUNTY: A STUDY OF ALTERNATIVE STRUCTURES (1984)
9. Hindman, Terrible "1313", THE AM. MERCURY 5 (Jan. 1959)
10. Karnig, Black Representation on City Councils: The Impact of District Elections and Socioeconomic Factors, URBAN AFFAIRS Q. 223 (Dec. 1976)
11. Karnig, Black Resources and City Council Representation, 41 J. OF POL. 134 (Feb. 1979)
12. Karnig & Welch, Electoral Structure and Black Representation on City Councils, 63 SOC. SCIENCE Q. 99 (March 1982)
13. Kelley, Ayres & Bowen, Registration and Voting: Putting First Things First, AM. POL. SCIENCE R. 359 (June 1967)

14. Latimer, Black Political Representation in Southern Cities: Election Systems and Other Causal Variables, 64 URBAN AFFAIRS Q. 65 (Sept. 1979)
15. Lotz, METROPOLITAN DADE COUNTY: TWO-TIER GOVERNMENT IN ACTION (1984)
16. Metro-Dade Elections, PERCENT OF VOTES CAST BY REGISTERED ELECTORS IN FIRST PRIMARIES (1978-1988) PARTY AFFILIATION OF CANDIDATES ELECTED TO PARTISAN OFFICES
17. Metro-Dade County Planning Dept., MAP OF POSSIBLE COMMISSION DISTRICTS
18. Orlando Sentinel, Jan. 1, 1989, 1988 OOPS! AWARDS
19. PROPOSED AMENDMENTS TO THE CHARTER OF METROPOLITAN DADE COUNTY (April 4, 1986)
20. Renner, Municipal Election Processes: The Impact on Minority Representation, MUNICIPAL YEAR BOOK 13
21. Robinson & Dye, Reformism and Black Representation on City Councils, 59 SOC. SCIENCE Q. 133 (June 1978)
22. Sawyer & MacRae, Game Theory and Cumulative Voting in Illinois: 1902-1954 50 AM. POLIT. SCIENCE R. 937 (1962)
23. Shubin, THE PARADOX OF METROPOLITAN REFORM: THE TRADEOFF BETWEEN EFFICIENCY AND REPRESENTATION IN DADE COUNTY'S METRO GOVERNMENT (1983)
24. Sloan, "Good Government" and the Politics of Race, SOC. PROBLEMS 161 (Fall 1969)

**LIST OF WITNESSES WHO TESTIFIED  
BEFORE THE ADVISORY GROUP**

1. Barrett, William
2. Bartel, Jeffrey  
Office of the Mayor  
City of Miami, Florida  
(speaking individually)
3. Brackins, William  
Management position with the United States Customs Service  
(Retired)  
Virginia Gardens, Florida
4. Brierly, Allen  
Professor, Department of Political and Public Affairs  
University of Miami  
Coral Gables, Florida
5. Brinker, Richard  
Clerk of the Board of County Commissioners  
Metropolitan Dade County, Florida
6. Dellapa, Gary  
Assistant County Manager  
Metropolitan Dade County, Florida
7. Eisele, William
8. Fannotto, Ernie  
President of the Tax Payers League of Miami and Dade  
County, and various other organizations  
Miami, Florida
9. Freedman, Richard  
Attorney  
Miami, Florida
10. Gonzalez, Peter
11. Greenbarg, Charlotte  
Member of the Dade County  
Council of Parent Teachers Associations, and  
Vice-President of the North Dade Coalition  
(speaking individually)
12. Guerra, Emilio  
Councilman  
Village of Virginia Gardens, Florida

13. Jones, Curtis  
Liaison for the Black Lawyers Association  
(speaking individually)
14. Kalstein, Bea  
Miami Beach, Florida
15. Leahy, David  
Supervisor of Elections  
Metropolitan Dade County, Florida
16. Moon, David  
Professor, Department of Political and Public Affairs  
University of Miami  
Coral Gables, Florida
17. Manning, Marvin  
Vice-President of Concerned Citizens of Northeast Dade,  
Vice-President and member of the Board of North Dade  
Democratic Club  
Sunny Isles, Florida
18. Martinez, Julio  
Councilman, City of Hialeah, Florida  
Representative to the Dade League of Cities  
(speaking individually)
19. Perkins, David  
Reporter  
member of the Community Action Agency  
member NAACP
20. Rosenblum, Jack
21. Rasco, Joe  
Member of the Key Biscayne council  
Key Biscayne, Florida  
(speaking individually)
22. Soto, Eduardo  
The Spanish American League Against Discrimination  
Miami, Florida

**ADVISORY GROUP  
MEMBERS AND STAFF**

**MEMBERS**

Gregory P. Borgognoni, Chairman  
Attorney  
Miami, Florida

Neal Alper  
Jeweler  
Miami Beach, Florida

Alberto R. Cardenas  
Attorney  
Miami, Florida

Dorthy Cissel  
Supervisor, Dade County School Board  
Miami, Florida

Betty Ferguson  
Educator  
Miami, Florida

Simon Ferro  
Attorney  
Miami, Florida

Vera Gilford  
Entrepreneur  
Miami, Florida

Thomas W. McAliley, Jr.  
Attorney  
Miami, Florida

John McDermott  
Office of the Mayor  
Metropolitan Dade County, Florida

Andres Mejides  
City of Hialeah Councilman  
Hialeah, Florida

Lloyd Miller  
Retired  
Homestead, Florida

Manolo Reyes  
Miami, Florida 33134

David Samson  
Retired  
Miami Beach, Florida

John Shubin  
Attorney  
Miami, Florida

George Schulte, Sr.  
Civic Activist  
Coral Gables, Florida

Arthur E. Teele, Jr.  
Attorney  
Miami, Florida

A.J. West  
Executive Director of the Vision Council  
Homestead, Florida

#### STAFF

Gary Dellapa  
Assistant County Manager  
Metropolitan Dade County, Florida

Murray Greenberg  
First Assistant County Attorney  
Metropolitan Dade County, Florida